

ORIGINAL

MCC:TBS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,
Plaintiff

vs.

\$1,790,021 in U.S. Currency,
Defendant

:
:
: CIVIL NO. 1:CV-01-1084
:
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:
:
:
:
:

(JUDGE RAMBO)

FILED
HARRISBURG, PA

NOV 13 2001

MARY E. D'ANDREA, CLERK
Per Deputy Clerk

MOTION FOR STAY OF PROCEEDINGS

AND NOW, comes the plaintiff, the United States of America, by and through its attorneys, Martin C. Carlson, United States Attorney, for the Middle District of Pennsylvania, and Theodore B. Smith, III, Assistant U. S. Attorney, who respectfully move the Court for a stay of proceedings pursuant to 18 U.S.C. § 981(g)(1) and (g)(2) and, in support thereof, aver as follows:

1. There are currently criminal prosecutions pending in the Southern District of Texas, Houston Division, the Southern District of Texas, Laredo Division, and the Southern District of New York, arising out of investigations of which the facts

forming the basis for the instant civil forfeiture action are a part.

2. The investigations in the Southern District of Texas and the Southern District of New York are continuing investigations, of which the claimant in the instant case is a subject.

3. Civil discovery in the instant case will adversely affect the ability of the United States to conduct the investigations and prosecutions of those related criminal cases.

4. Civil discovery in the instant case might also burden the right of the claimant against self-incrimination in the related investigations and cases.

5. Trial of the criminal prosecution in Houston, Texas is presently scheduled for January 2002.

6. It is possible that additional stays will be necessary, based upon continuances granted in the Houston prosecution or one of the other prosecutions, but at the present time a stay is only requested to February 15, 2002.

7. On October 18, 2001, the date of the cancelled case management conference in the instant case, the undersigned spoke by telephone with Chris Flood, Esquire, counsel for the claimant, who agreed that the instant civil forfeiture case should be stayed pending proceedings in the related criminal cases.

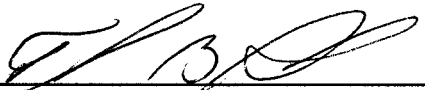
WHEREFORE, the United States of America prays that the Court

stay all proceedings in the above-captioned in rem civil
forfeiture action until February 15, 2002.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney

Dated 11/9/01



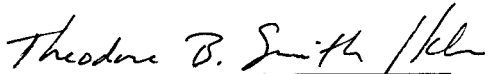
THEODORE B. SMITH, III
Assistant United States Attorney

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CIVIL NO. 1:CV-01-1084
	:	
Plaintiff	:	
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v.	:	
	:	
\$1,790,021 in U.S. CURRENCY,	:	
	:	
Defendant	:	

CERTIFICATE OF CONCURRENCE

The undersigned certifies that on October 18, 2001, he contacted Chris Flood, Esquire, counsel for defendant, to seek his concurrence in the filing of the attached motion. Concurrence was given on that date.



THEODORE B. SMITH, III
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CIVIL NO. 1:CV-01-1084
:
Plaintiff :
: (JUDGE RAMBO)
V. :
:
\$1,790,021 in U.S. CURRENCY, :
:
Defendant :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

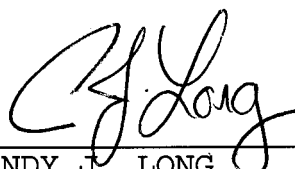
That this 9th day of November, 2001, she served a copy of the attached

MOTION FOR STAY OF PROCEEDINGS

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

ADDRESSEE:

Chris Flood, Esquire
FLOOD & FLOOD
914 Preston Avenue, Suite 800
Houston, TX 77002-1832


CINDY J. LONG
Legal Secretary